

**Sixth Judicial Circuit
Case Assignment Plan
Effective January 1, 2008**

1. **Goal of the Plan:** Pursuant to Administrative Order Number 14, as amended, the judges of the Sixth Judicial Circuit have agreed to a case assignment plan that will maximize the resources of Pulaski and Perry Counties while equitably dividing the caseload among the seventeen (17) circuit judges. The Plan takes into consideration various factors, including, but not limited to the current caseload assignment, the location of the facilities, the number of courtrooms suitable for jury trials, the assurance of Pulaski County to renovate one (1) additional courtroom which will be suitable for jury trials, and the desire of each individual judge regarding case assignment.

By presenting this Plan to the Arkansas Supreme Court, the judges of the Sixth Judicial Circuit recognize that the Plan is a compromise of many factors and that the ultimate goal is to serve best the citizens of Pulaski and Perry Counties. We further recognize that this Plan is to be effective from January 1, 2008 through December 31, 2009, and that changes in the Plan may be made depending on changed circumstances during the effective term of the Plan. Any change will be presented for approval of the Arkansas Supreme Court before implementation.

2. **Effective Dates:** This Plan shall be enacted for the period between January 1, 2008 and December 31, 2009. The Plan shall remain in effect during that period unless otherwise modified, and shall continue until the Arkansas Supreme Court has approved another Plan.

3. **Voting:** Pursuant to the Per Curiam Opinion delivered January 30, 2003, a majority of the circuit judges in the judicial district shall be sufficient to adopt a plan. In the Sixth Judicial Circuit, there are seventeen (17) circuit judges; therefore, nine (9) votes are required to adopt a plan, and any modifications thereafter.

4. **Administrative Plan:** All cases are to be apportioned among the circuit judges as equally as possible by random selection, and cases may be reassigned as necessity requires. A circuit judge to whom a case is assigned shall accept that case unless he or she is disqualified or the interests of justice require that the case not be heard by that judge.

Pulaski County Caseload Plan:

- a. Pulaski County Average Caseload. Using 2006 case filing figures, the total number of cases filed in Pulaski County was 23,006, an increase of 5.5% over the 2004 figures used in the 2006 Plan. The caseload of each circuit judge, if divided equally between the seventeen (17) judges, would be approximately 1353. The circuit judges acknowledge that since the juvenile courtrooms are located separate

from the Pulaski County Courthouse, the logistics require a deviation from the concept of equal case filings for each judge. In that regard, the Plan proposes that the three (3) circuit judges currently hearing juvenile cases maintain caseloads less than the average caseload for the other circuit judges.

b. Breakdown of Subject-Matter Divisions:

Case Type:	Number of Cases:
Criminal	5356 (includes 225 drug court cases)
Civil	6559
Domestic	6417
Juvenile	2180
Probate	2194

c. In general terms, these judges will hear the following type cases in Pulaski County:

1. Warren, Gruber and Branton will share in the juvenile caseload.
2. Humphrey, Langston, Proctor, Piazza and Sims will share in the criminal caseload.
3. Humphrey, Piazza, Moody, Proctor, Fox, Gray, Kilgore, Brantley and McGowan will share in the civil caseload.
4. Moody, Fox, Gray, Kilgore, Smith, Moore, Brantley, Pierce and McGowan will share in the domestic caseload.
5. Gray, Kilgore, Smith, Moore, Brantley, Pierce and McGowan will share in the probate caseload.
6. McGowan will continue to hear all Drug Court cases.

d. The division of cases is listed below. The numbers of cases listed are approximations because the filings will vary from year to year. However, using the 2006 case filings figures, each judge would be assigned cases approximately as listed:

Div.	Judge	Percentage (No. of cases)	Total
1 st	Humphrey	18% criminal (923); 8% civil (525)	1448
2 nd	Piazza	10% criminal (513); 14.5% civil (951)	1464
3 rd	Moody	20% civil (1312); 2.5% domestic (160)	1472
4 th	Langston	28.5% criminal (1462)	1462
5 th	Proctor	15% criminal (770); 10.5% civil (686)	1459
6 th	Fox	20% civil (1312); 2.5% domestic (160)	1472
7 th	Sims	28.5% criminal (1462)	1462
8 th	Branton	33.3% juvenile (826)	826
9 th	McGowan	100% drug court (225); 6% civil (394); 8.5% domestic (545); 13% probate (313)	1477
10 th	Warren	33.3% juvenile (826)	826

11 th	Gruber	33.3% juvenile (826)	826
12 th	Gray	7% civil (459); 10.5% domestic (674); 13% probate (313)	1466
13 th	Kilgore	7% civil (459); 10.5% domestic (674); 13% probate (313)	1466
14 th	Smith	18.5% domestic (1187); 13% probate (313)	1500
15 th	Moore	18% domestic (1155); 13% probate (313)	1486
16 th	Brantley	7% civil (459); 10.5% domestic (674); 13% probate (313)	1466
17 th	Pierce	18.5% domestic (1187); 13% probate (313)	1500

This Plan is made with the specific understanding that pursuant to Administrative Order No. 14, a new plan will have to be submitted to the Arkansas Supreme Court after each election. The judges agree that this Plan will not create a precedent as to how cases are assigned in the future.

e. Pairing of Courtrooms and Jury Pools. Since not all judges have courtrooms that are suitable for jury trials, those judges lacking such a courtroom shall pair with a circuit judge who does have a courtroom suitable for a jury trial. The pairing judge shall coordinate the setting of jury trials, the sharing of jury pools, and resolve any other issue that arises that will facilitate the setting of jury trials. Any judge is free to contact other judges other than their pairing judge for the use of their courtroom. Any judge hearing juvenile cases and in need of courtroom facilities for a jury trial shall contact any of the judges at the Pulaski County Courthouse to arrange for the use of their courtroom and jury pool. Judge Kilgore's courtroom is now available for use on the 3rd Floor of the Pulaski County Courthouse for jury trials. Judge Gray's courtroom is to be renovated for use as jury trials during calendar year 2007.

Pairings:

Judge Mackie Pierce---Judge Tim Fox
 Judge Mary Ann McGowan---Judge Chris Piazza
 Judge Ellen Brantley---Judge Jay Moody
 Judge Alice Gray---Judge Willard Proctor
 Judge Collins Kilgore---Judge Barry Sims

Perry County Caseload Plan:


a. In 2006, there were a total of 376 cases filed in Perry County:

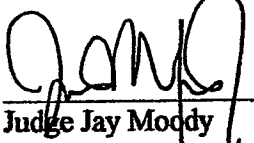
Criminal	32 (totaling 151 counts)
Civil	97
Domestic	164
Juvenile	33
Probate	50

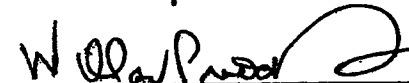
- b. The Circuit Clerk of Perry County will assign each new case to one of the seventeen (17) circuit judges. The assigned judge is responsible for the case file; however, by agreement of the circuit judges, nothing shall preclude any other circuit judge from hearing any and all routine and uncontested matters irrespective to which judge the case is assigned.
 - c. The circuit judges hearing criminal cases in Perry County will each have a pre-trial day and then a trial day approximately two (2) weeks later, if necessary. Judges Humphrey, Proctor, Piazza, Langston, Sims, Fox, Moore and McGowan will hear criminal cases in Perry County on a rotating basis.
 - d. Those circuit judges hearing civil, domestic and probate cases in Perry County will be Judges Gray, Moore, Fox, Pierce, Moody, Brantley, McGowan, Kilgore, and Smith.
 - e. Those circuit judges hearing juvenile cases in Perry County will be Judges Warren, Gruber and Branton.
5. **Meetings for Judges:** The Administrative Judge shall establish regular meetings for all circuit judges of at least quarterly, or more or less often, as is necessary. If at least three (3) circuit judges request a special meeting, the Administrative Judge shall promptly call a meeting for all circuit judges.
6. **Election of Administrative Judge:** An election for Administrative Judge was held on January, 2007. Judge Vann Smith was elected Administrative Judge by secret ballot by a vote of 14-0, with 3 judges absent. Judge Smith will serve as the Administrative Judge until such time as the next election is required to be conducted in accordance with Administrative Order No. 14.
7. **Vacancy:** As a vacancy occurs in one of the seventeen (17) divisions, the use of seniority will be utilized to fill the vacancy. The most senior judge would have the first option to elect to fill the vacancy. All subsequent vacancies occurring by this election would then be filled in a like manner using seniority. The use of seniority will in no way be used to circumvent the terms of the Hunt decree. No sitting judge could be removed from his/her existing caseload or chambers using this process.

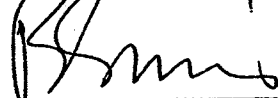
The Case Assignment Plan for the Sixth Judicial Circuit is hereby submitted to the Arkansas Supreme Court for approval on the 19th day of June, 2007.


Approved:

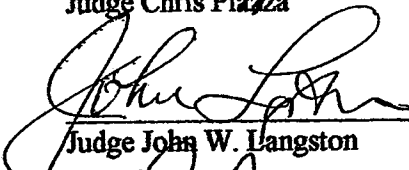

Judge Marion Humphrey

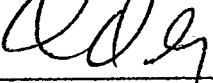

Judge Jay Moddy


Judge Willard Proctor

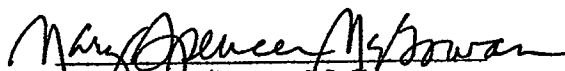

Judge Barry A. Sims



Judge Chris Piazza


Judge John W. Langston


Judge Tim Fox


Judge Wiley Branton

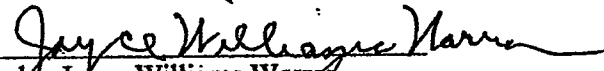

Judge Mary Spencer McGowan



Judge Rita Gruber



Judge Collins Kilgore

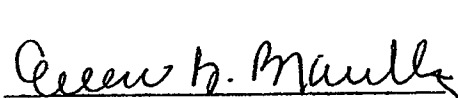

Judge Richard N. Moore


Judge Mackie Pierce


Judge Joyce Williams Warren


Judge Alice Gray


Judge Vann Smith


Judge Ellen B. Brantley